

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

ROCKWELL AUTOMATION, INC. AND ROCKWELL
AUTOMATION TECHNOLOGIES, INC.,

Plaintiffs,

-against-

WAGO CORPORATION AND WAGO
KONTAKTTECHNIK GmbH & CO. KG,

Defendants.

Case No. 3:10-CV-718-WMC

**DECLARATION OF PAUL J. TANCK IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PROTECTIVE ORDER**

I, Paul J. Tanck, declare as follows:

1. I am an associate with the law firm of Chadbourne & Parke LLP, counsel to Plaintiffs Rockwell Automation Technologies Inc. and Rockwell Automation Inc. (collectively "Rockwell") in this action. I make this declaration based on personal knowledge.

2. Defendants Wago Corporation and Wago Kontakttechnik GmbH & CO. KG ("Defendants") did not notice a single fact witness deposition in this case until July 9, 2012.

3. Between July 9, 2012 and today, Defendants have noticed 22 depositions. A list of those depositions is provided in the table below. In certain instances Defendants have served additional amended deposition notices or have issued new subpoenas with different locations and dates, which are not reflected in the chart.

	DATE NOTICED	DEPONENT	DEPOSITION DATE AS SET FORTH IN NOTICE	DEPOSITION LOCALE
1.	July 9, 2012	Jeffrey L. Hamilton	July 19, 2012	Milwaukee, Wisconsin
2.	July 9, 2012	James J. Kay	July 23, 2012	Cleveland, Ohio
3.	July 9, 2012	David Allen Johnston	July 23, 2012	Cleveland, Ohio
4.	July 9, 2012	Stuart Siegel	July 24, 2012	Cleveland, Ohio
5.	July 9, 2012	Gregory A. Majcher	July 24, 2012	Cleveland, Ohio
6.	July 25, 2012	Ronald Bliss	July 26, 2012	Mayfield Heights, Ohio
7.	July 25, 2012	Dan Schumacher	July 27, 2012	Mayfield Heights, Ohio
8.	June 27, 2012	Rockwell Automation Inc.	July 27, 2012	Milwaukee, Wisconsin
9.	June 27, 2012	Rockwell Automation Technologies Inc.	July 26, 2012	Milwaukee, Wisconsin
10.	July 20, 2012	Stephen Blech	August 2, 2012	Cleveland, Ohio
11.	July 26, 2012	Turocy & Watson LLP	August 13, 2012	Cleveland, Ohio
12.	August 6, 2012	Emmett Murtha	August 9, 2012	New York, New York
13.	August 6, 2012	Robert Meeker	August 14, 2012	Milwaukee, Wisconsin
14.	August 6, 2012	Alan Cribbs	August 14, 2012	Cleveland, Ohio
15.	August 6, 2012	Amy Rybacki	August 16, 2012	Milwaukee, Wisconsin
16.	August 6, 2012	Rockwell Automation Inc. II	August 16, 2012	Milwaukee, Wisconsin
17.	August 6, 2012	Rockwell Automation Technologies Inc. II	August 16, 2012	Milwaukee, Wisconsin
18.	August 7, 2012	Shelly Urdaneta	August 15, 2012	Cleveland, Ohio
19.	August 7, 2012	William Kegley	August 14, 2012	Minneapolis, Minnesota
20.	August 7, 2012	Gregory Bell	August 15, 2012	Milwaukee, Wisconsin

	DATE NOTICED	DEPONENT	DEPOSITION DATE AS SET FORTH IN NOTICE	DEPOSITION LOCALE
21.	August 7, 2012	EBSnet, Inc.	August 21, 2012	Littleton, Massachusetts
22.	August 17, 2012	EBS Inc.	August 27, 2012	Groton, Massachusetts

4. Between July 17, 2012 and today, Rockwell has defended fourteen of the above-referenced depositions, including the depositions of Ronald Bliss, Jeffrey, L. Hamilton, David Allen Johnston, James J. Kay, Gregory A. Majecher, Robert Meeker, Emmett Murtha, Dan Schumacher, Stuart Siegel, Arthur Zatarain, two 30(b)(6) depositions for Rockwell Automation Technologies Inc., and two 30(b)(6) depositions of Rockwell Automation Inc.

5. Rockwell began taking fact witness depositions beginning on November 3, 2011. Since that date, Rockwell has taken thirteen depositions, with the last deposition occurring on June 13, 2012.

6. On August 3, 2012, in accordance with the August 26, 2012 Pretrial Order (Docket 22), Defendants provided reports from their two damages experts, Richard Bero and Robert Vigil. As such, those two critical depositions were always set to proceed in August, after submission of the reports.

7. The schedule of remaining depositions, as it stands today, is set forth below:

	DATE	NOTICED BY:	DEPONENT	DEPOSITION LOCALE
1.	8/20	Defendants	Amy Rybacki	Milwaukee, Wisconsin
2.	8/20	Defendants	Rockwell Automation, Inc. 30(b)(6)	Milwaukee, Wisconsin
3.	8/20	Defendants	Rockwell Automation, Technologies, Inc. 30(b)(6)	Milwaukee, Wisconsin

	DATE	NOTICED BY:	DEPONENT	DEPOSITION LOCALE
4.	8/21	Defendants	EBSNet, Inc.	Littleton, Massachusetts
5.	8/21	Plaintiffs	WCP	Waukesha, Wisconsin
6.	8/23	Defendants	Turocy & Watson LLP	Cleveland, Ohio
7.	8/23	Plaintiffs	Jens Adler	London, England
8.	8/23	Plaintiffs	Sven Hohorst	London, England
9.	8/24	Defendants	Kurt Braun	Los Angeles, California
10.	8/27	Defendants	Gregory Bell	Milwaukee, Wisconsin
11.	8/27	Defendants	William Kegley	Minneapolis, Minnesota
12.	8/27	Plaintiffs	WKT 30(b)(6)	Madison, Wisconsin
13.	8/27	Plaintiffs	Richard Bero	Waukesha, Wisconsin
14.	8/28	Plaintiffs	Robert Vigil	Washington, D.C.
15.	TBD	Defendants	Alan Cribbs	Cleveland, Ohio
16.	TBD	Defendants	Shelley Urdaneta	Cleveland, Ohio
17.	8/27	Defendants	EBS Inc.	Groton, Massachusetts

8. On August 8, 2012, after receiving at least ten deposition notices, I reached out to counsel for Defendants to attempt to work out a reasonable schedule for the depositions and suggested that the parties have a telephone conference to discuss the deposition notices. Attached hereto as Exhibit 1 is a true and correct copy of a letter I sent to Defendants' counsel, Gilberto Espinoza dated August 8, 2012 regarding deposition scheduling.

9. On August 9, 2012, I had a telephone conversation with Mr. Espinoza to work out a reasonable schedule for the depositions. The parties compromised as to some scheduling issues, but were unable to resolve all issues. I suggested that the parties have another telephone conference to discuss the schedule. The parties had a call the following morning where further scheduling issues were discussed. Attached hereto as Exhibit 2 is a true and correct copy of an

email exchange between P. Tanck and G. Espinoza occurring on August 8 to August 9, 2012 regarding deposition scheduling.

10. On Tuesday, August 14, 2012, I notified Defendants that due to a scheduling conflict, one of the two depositions scheduled for Monday, August 20, 2012 would have to be rescheduled for August 28, 2012. Attached hereto as Exhibit 3 is a true and correct copy of that correspondence. The need to reschedule one of the simultaneous depositions resulted from a scheduling conflict unknown to Plaintiffs' counsel until that time.

11. Counsel for Defendants rejected Plaintiffs' proposal out of hand, instead refusing to reschedule the depositions unless Plaintiffs agreed to produce attorney work-product to Defendants. Attached hereto as Exhibit 4 is a true and correct copy of an August 14, 2012 Email from Defendants' counsel Marshall Schmitt.

12. My colleague, Emily Abrahams, made multiple attempts to schedule a telephonic meet and confer with counsel for Defendants, but counsel refused. True and correct copies of Ms. Abrahams' email exchange with Mr. Schmitt occurring from August 15 to August 17, 2012 are attached hereto as Exhibit 5.

I declare under the penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed In New York, New York on August 17, 2012.

/s/ Paul J. Tanck
Paul J. Tanck (admitted in W.D. Wis.)
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AUTOMATION TECHNOLOGIES, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August, 2012 a copy of the foregoing was electronically filed with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

Dated: August 17, 2012

/s/ Lisa Schapira
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